

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2016 KW 1125

VERSUS

OCT 17 2016

DONAVEN D. ROACH

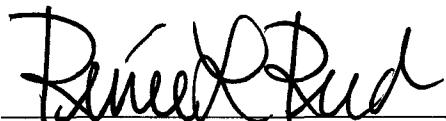
In Re: Donaven D. Roach, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
Nos. 08-09-0001 & 09-09-0387.

BEFORE: WHIPPLE, C.J., GUIDRY AND McCLENDON, JJ.

WRIT DENIED. A pleading's nature is determined by its substance and not its caption. See **State ex rel. Daley v. State**, 97-2612 (La. 11/7/97), 703 So.2d 32. Although relator captioned his pleadings: "motion of error coram nobis," the relief he seeks is in the nature of a request for postconviction relief. No application for postconviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence have become final under the provisions of Article 914 or 922. See La. Code Crim. P. art. 930.8(A). Furthermore, the bill of information is a method of instituting a criminal prosecution for an offense not punishable by death or life imprisonment, and it is a written accusation of a crime made by the district attorney. See La. Code Crim. P. arts. 382(A) & 384. The bill of information is not used by the State as evidence at trial to obtain a criminal conviction. Therefore, it does not need to be authenticated.

VGW
JMG
PMc

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DEPUTY CLERK OF COURT
FOR THE COURT